

FORM SUMMARY

Name of Form:	Authorization and Order to Open Court Records for Inspection
Form Number:	JD-1739
Statutory Reference:	§§48.396(2)(ag) & (am) and 938.396(2)(ag) & (am), Wisconsin Statutes
Benchbook Reference:	JV 12
Purpose of Form:	To provide a standardized form for authorization by certain parties to access child/juvenile court records, as well as providing a record of the request and a method for the juvenile clerk to indicate the records that were disclosed.
Who Completes It:	The party authorizing the access to the record will complete the top portion. The juvenile court clerk will fill in the "court use only" block for future reference.
Distribution of Form:	Original is filed with the court when presented.
Accompanying Forms:	Generally none
New Form/Modification:	Modification, new form 5/00.
Modifications:	<p>Added the following parties, which are allowed by statute to access child/juvenile court records.</p> <ul style="list-style-type: none">• Expectant mother, 14 years of age or older, whose unborn child is the subject of a chapter 48 proceeding.• Guardian ad litem for the unborn child.
Comments:	<p>Although child/juvenile court records are generally considered not open for inspection, certain specific exceptions are allowed.</p> <ul style="list-style-type: none">• The child/juvenile, parents, guardians, or legal custodian can request access to a child/juvenile's court records; The expectant mother, 14 years of age or older, whose unborn child is the subject of a chapter 48 proceeding and the guardian ad litem for the unborn child can request access to a child/juvenile's court records;• The parents, guardians, or legal custodian may authorize a third party to have access to court records of the child/juvenile;• A juvenile in a ch. 938 proceeding may authorize a third party to have access to his or her own records. However, a child in a ch. 48 proceeding cannot authorize access to court records to a third party. <p>If the request is made for access, the court must open the records unless the court finds, <i>after due notice and hearing</i>, that inspection of those records by the person named in the petition would result in imminent danger to anyone.</p> <p>Presumably the court is required to review the record before making the disclosure to determine if there is such a danger. If so, the court--apparently on its own motion--must schedule a hearing on the request for disclosure. Notice must be provided to the interested persons.</p> <p>Any person who receives information under this request may further redisclose the information to anyone without restriction.</p> <p>About this form</p> <p>This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.</p> <p>If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.</p>